IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23252 of 2007(R)

PETITIONER:

SANKARANKUTTY, S/O.VELU,
ITTIYAL THARAYIL, BHOODHANAM (PO),
MALAPPURAM (DT).

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENTS:

ERNAD PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK
KARUVAMBRAM (PO), MANJERI, REPRESENTED
BY ITS SECRETARY.

BY SC SRI. P.N. RAVINDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.23252 of 2007

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Dated this the 31st day of July, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Writ petition is filed challenging the recovery proceedings. The second prayer is to direct the respondent to write off the loan of the petitioner as directed by the Government.

2. I heard counsel for the petitioner and the Bank.

The writ petition is disposed of as follows:

If the petitioner approaches the first respondent Bank seeking the benefit of any scheme within a period of two weeks from today, the respondent will consider the same and communicate its decision within two weeks thereafter. If it is found that the petitioner is not entitled to the benefit claimed by him, he shall be permitted to clear the amount in seven equal monthly instalments. If the Bank finds that the petitioner is not entitled to any relief other than the instalment facility as directed by this court, the Bank shall indicate the exact amount of instalment on the basis that the petitioner has to pay the amount in seven equal

monthly instalments. The first instalment shall be payable by the petitioner on or before 10.9.2007 and the subsequent instalments on or before the 10th of the succeeding months. If any of the instalment is not paid, the petitioner will lose the benefit of this judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

(K.M. JOSEPH, JUDGE)

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